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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,025	05/19/2006	Gabriele Rampini	290675US0PCT	7542

22850 7590 08/14/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

AHVAZI, BIJAN

ART UNIT	PAPER NUMBER
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1796

NOTIFICATION DATE	DELIVERY MODE
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08/14/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Art Unit: 1796

DETAILED ACTION

1. This action is responsive to the amendment after final rejection filed on August 03, 2009.
2. Claims 11-16 are pending.
3. Claims 11-16 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application No. (US 11/418253) in view of Nakajima *et al.* (GB 1,537,436).
4. Claims 11, 12, 13, 14, 16 stand rejected under 35 U.S.C. 102(b) as being anticipated by Nakajima *et al.* (GB 1,537,436).
5. Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima *et al.* (GB 1,537,436) as applied to claim 11, 12, 13, 14, 16 above, and further in view of Andrea Marelli (Pub. No. US 2003/0150880 A1).

Response to Arguments

6. Applicant's arguments after final rejection filed August 03, 2009 have been fully considered but they are not persuasive.

The applicants' recite "the fluid dispensing container is prepared without any use of propellant gases" did not imply that the fluid dispensing container containing no propellant gases.

Accordingly, in the view of the above discussion, the request for reconsideration has been considered but **does NOT** place the application in condition for allowance after a final rejection.

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Examiner Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijan Ahvazi, Ph.D. whose telephone number is (571)270-3449. The examiner can normally be reached on M-F 8:0-5:0. (Off every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BA/
Bijan Ahvazi,
Examiner
Art Unit 1796

/Ling-Siu Choi/
Primary Examiner, Art Unit 1796

08/11/2009